

# Employee Time & Leave Policies

---

State Personnel Board Rules Governing Time and Leave



The summaries contained in this manual are not intended to be all inclusive. They are intended to summarize the major provisions of the State Personnel Board Rules governing time and leave, but do not cover all the nuances of each provision.

# CONTENTS

Attendance and Using Leave .....	4
Leave Accrual and Eligibility .....	5
Specific Types of Leave	
Annual Leave .....	6
Blood Donation Time .....	7
Court Leave .....	7
Family Leave .....	8
Forfeited Leave .....	9
Leave Donation Program .....	10
Leave Without Pay (LWOP) .....	11
Kidney Donation Leave .....	12
Military Leave .....	12
Personal Leave .....	13
Sick Leave .....	13
Transferring Leave .....	15
Voting Time .....	15
Work Related Injuries .....	16
Doctor's Excuses .....	17
Don't Put Your Job in Jeopardy .....	18
Weather Emergencies .....	19
Leave Donation Program .....	20
For More Information .....	21

## **Attendance and Using Leave**

Your agency expects you to be at work, on time, every day.

You have a right to earn your leave and can expect to be given reasonable access to it; however, your agency has the right to approve or disapprove your use of the leave.

Why do we earn so much leave, if we don't have a right to take it?

The State recognizes that employees need vacation and occasional time off to take care of personal affairs. It also recognizes that employees need to ensure an income in case of illness, disability, or for routine medical and dental care.

The benefits of accumulating your sick leave, guarantees you will have continued income should you become sick or disabled. You should think of it as "free" short-term and long-term disability insurance. Even the leave that you forfeit can be restored to you should you incur a long-term disability.

Also, should you leave state government, or when you retire, you are paid for your accumulated annual leave, up to 360 hours.

If you are fortunate enough not to be faced with an long term illness or disability, your forfeited sick and annual leave can be combined with your sick leave balance to extend your service if you are a member of the Employees Retirement System. In other words, you won't have to work as long in order to receive full retirement benefits.

## Leave Accrual and Eligibility

How you accrue leave depends on how you are paid:

### **Semi-Monthly and Semi-Monthly Lag:**

You earn one half of your monthly leave at the end of each semi-monthly pay period if you receive pay for at least 40 hours each pay period. The leave is available for your use the first day of the following pay period.

### **Monthly:**

In most cases, you earn all your monthly leave the night of the last day of the month if you receive pay for at least 80 hours for that month. The leave is available for your use the first of the next month. However, some agencies may elect to administer sick and annual leave accruals as if their employees were paid on a semi-monthly basis.

### **Weekly:**

If you receive pay for at least 40 hours for each half of the month, you will earn one-half of your monthly leave at the end of the second and fourth pay period of the month. The leave is available for your use the first day of the third and first pay period.

The following employees are not eligible for leave benefits: emergency, hourly, per diem, temporary or intermittent appointments, or employees working less than 20 hours per week.

# Annual Leave

Annual leave is available for planned vacations or for occasional time off to take care of personal business. You should request annual leave time as early as possible so that your supervisor can coordinate your request with other absences as well as plan for the least disruption in work as possible. Be sure to follow your agency's procedures and policies for requesting and using annual leave.

## **You earn annual leave (AL) at the following rates:**

For your first 5 years: 15 days or 3 wks/yr (10 hrs/month)

During your next 5 years: 18 day/yr (12 hrs/month)

After 10 years: 21 days/yr (14 hrs/month)

You can save up to 45 days (360 hours) of annual leave. Any amount above 45 days is forfeited.

## **Saving your annual leave benefits you in three ways:**

1. Whenever you leave state employment, you will be paid for any unused annual leave you have saved up to 360 hours. You are not paid for any AL you forfeited.
2. Your department will keep track of any annual leave you forfeit. This forfeited leave could be restored to you in the case of an illness or disability that lasts beyond your saved sick and annual leave balances.
3. If you are a member of the Employees Retirement System, annual leave can be used to extend your service time making it possible for you to retire earlier.

**A special note:** If you're on approved annual leave and become ill for three days or longer, you may request that the AL be changed to SL. But you must provide your department with satisfactory written evidence that you were ill. The request must be made within 2 weeks after returning to work.

## Blood Donation Time

If you wish to donate blood, you may be allowed up to 2 hours of time away from work in order to donate the blood. Blood donation time can be granted up to 4 times each calendar year.

If you donate blood platelets or granulocytes through the pheresis process, you can receive up to 4 hours, 4 times each calendar year.

Your supervisor will decide the most appropriate time for you to be away from work to donate.

Blood donation time covers your absence while away from work for the sole purpose of donating blood. If you need only 1 hour, you do not have a right to be absent from work for another hour for some other purpose.

## Court Leave

If you are summoned to jury duty or subpoenaed as a witness, you may request court leave.

You must provide your department with a copy of the subpoena, summons, or other court order.

The time you are allowed would include the time actually required by the court and any additional time as reasonably needed to prepare for or recuperate from the court duty. Your department will decide what's reasonable.

You cannot be discharged, disciplined, or otherwise penalized for requesting or using court leave.

**Important:** Court leave does not apply if you are a principal party or if you have any other personal or family interest in the proceeding.

# Family Leave

After you have worked for State government for at least 12 months, you are eligible for family leave. If you work part-time, you would also have to have worked at least 1250 hours.

## **Family leave can be used for the following reasons:**

1. The birth of a child
2. The placement of a child for adoption or foster care
3. Caring for your child, parent, or spouse who has a serious health condition
4. A personal health condition

The length of family leave is determined by the medical facts for which the leave is needed, but is limited to a total of 12 weeks within a 12-month period.

Family leave is leave without pay. But if you have paid leave available (sick leave, annual leave, personal leave, compensatory time), you can use your paid leave to cover your income during the absence. Your agency may also require that you use your paid leave while out for family leave.

If you anticipate needing family leave, it's important to give at least 30 days notice to your department. Emergency needs would be an exception.

If you are denied family leave, you may appeal the decision. Contact your departmental personnel officer or E-mail us for more information.

## Forfeited Leave

You can save up to 45 days (360 hours) of annual leave and up to 90 days (720 hours) of sick leave. Any hours you earn over these amounts are forfeited. However, your agency will keep a record of the amount of leave you forfeit. Because forfeited leave can be valuable, it is also a good idea for you to keep your own forfeited leave record.

What is the value of forfeited leave to you?

These forfeited leave hours can benefit you in two ways.

1. Free long-term disability insurance, which not only saves you money but protects you (and your family) by ensuring your full income in case of long-term illness or disability.
2. For members of the Employees' Retirement System, you can use your forfeited leave to extend your years of service so that you can retire earlier. This benefit would start if you have saved a combined total of at least 120 days of forfeited sick leave, forfeited annual leave, combined with any balance of sick leave hours you have saved. Keep in mind that if you have saved the maximum of 720 hours of sick leave that already equals 90 days.

## Leave Donation Program

The State permits each agency to adopt a leave donation program for employees within that agency.

If your agency has a leave donation policy, you would generally be eligible to receive donated leave if you...

1. Have been employed for at least 12 months in a position entitled to earn leave.
2. Have used all of your sick, annual, and forfeited leave.
3. Have been on approved leave without pay for 80 hours.
4. Have met any other criteria established by your agency.

You are eligible to donate leave if you...

1. Have been employed for at least 12 months in a position entitled to earn leave.
2. Are employed in the same agency as the employee needing donated leave.
3. Will have a balance of at least 60 hours of sick leave after donating sick leave.
4. Will have balance of at least 60 hours of annual leave after donating annual leave.

You may donate any amount of annual leave or personal leave.

You can donate up to 120 hours of sick leave each calendar year.

Forfeited leave cannot be donated.

Contact your personnel office about your agency's policy for leave donation.

You may donate any amount of annual leave or personal leave.

You can donate up to 120 hours of sick leave each calendar year.

Forfeited leave cannot be donated.

Contact your departmental personnel office about your department's policy for leave donation.

## Leave Without Pay (LWOP)

Active employees who are eligible to participate in the Flexible Benefits Program should continue all insurance options in which they have enrolled by paying the required after-tax premium during a period of “approved leave of absence without pay” for a period of up to twelve (12) months.

Each agency is responsible for informing an employee on LWOP the appropriate insurance premium amounts and health care spending account contributions in order to maintain coverage for options selected by the employee. When an employee is approved for LWOP, the agency may deduct up to three (3) additional months of insurance premiums and health care spending account contributions from the employee’s pay prior to the leave of absence, unless the absence occurs during an open enrollment period or across plan years.

If the employee fails to make personal premium payments while on approved LWOP and returns to work within the same Plan Year, the agency should collect all premiums and health care spending account contributions from the employee’s salary for continuous coverage during the period of out-of-pay status.

**NOTE:** Personal payments to the Child (Dependent) Care Spending Account are not allowed while on LWOP.

When an employee is in a LWOP status which overlaps an Open Enrollment period and does not return to work July 1, the employee is to continue the benefits enrolled in the previous Plan Year in which (s)he was last physically at work. Please call the Flexible Benefits Program at (404) 656-2730 or 1-888-968-0490 (outside the Atlanta calling area) for more information.

Once the employee returns to work, (s)he is to be provided a thirty-one (31) day enrollment period to update their benefit choices. The Open Enrollment Option Statement provided upon the return to work is to include the employee’s Benefit Salary and age as of April 1 of that year.

## **Kidney Donation Leave**

If you donate a kidney for a kidney transplant, you can receive a leave of absence with pay for 30 days. This leave will not be charged to your sick and annual leave balances and does not interfere with your state service.

You must provide a statement from the doctor performing the transplant or the hospital administrator to qualify for this leave.

If the donation does not occur, this leave provision does not apply.

## **Military Leave**

Military leave is available if you are ordered to military duty or to attend service schools. The length of the absence is determined by your orders.

Each federal fiscal year (October 1 - September 30), you are allowed up to 18 paid workdays for military purposes provided that the duty is for 30 days or less. Any military duty over 30 days would be military leave without pay for the entire period of your absence. However, you may request that your absence be covered by other paid leave you have available (annual leave, personal leave, or compensatory leave).

If you're a member of the National Guard and the Governor declares an emergency and orders National Guard members to state active duty, you are allowed up to 30 days of paid leave in any one federal fiscal year.

If you wish to take a physical or fitness exam for military service, your department must approve the absence. The absence can be charged to annual leave; otherwise, the absence will be leave without pay.

A military leave of absence is treated as continuous employment. You will be returned to your former position or a similar position of equal pay as long as you can perform the essential functions of your job.

## Personal Leave

At the end of each calendar year, between November 30 and December 31, you have the opportunity to convert some of your sick leave to personal leave.

If you have over 120 hours of sick leave, you can convert up to 24 hours in excess of 120 to personal leave. Once you convert sick leave to personal leave, you cannot change your mind.

Your personal leave then becomes available to use during the following calendar year. If you don't use it, you lose it.

Personal leave can be used for any reason you wish. Although you must get approval to use personal leave, your supervisor will make every reasonable effort to accommodate your request to use it.

Normally, you should request the use of personal leave at least 24 hours in advance of needing the leave.

## Sick Leave

Sick Leave provides you with income protection during times of illness or for routine doctor's appointments.

You can request your sick leave for...

- personal illness or disability
- absence needed because of exposure to contagious disease when exposure endangers the health of others
- dental or medical care
- absence due to dental or medical care, illness, accident, or death in your immediate family which requires your presence

Immediate family means your spouse, child, parent, brother, or sister. It also includes anyone else who lives with you and is recognized by law as your dependent.

You earn 15 days (or 3 weeks) of sick leave each year at the rate of 10 hours per month. The amount of sick leave you earn does not increase with your years of service.

Because sick leave is meant to be income protection in case of long-term illness or disability, you can save up to 90 days (720 hours). Anything over 90 days is forfeited.

When you leave state employment, or retire, you will not be paid for your sick leave balance. However, saving your sick leave can benefit you in three ways:

1. Free short-term disability insurance. Your sick leave balance protects your income during illnesses or disabilities for up to 90 days. This is full income protection.

Although you can purchase short-term disability insurance through your flexible benefits program, there is a 30-day waiting period before you could receive a portion of your salary.

2. Free long-term disability insurance. Although you forfeit any hours you earn over 720 (90 days), your department will keep track of your forfeited leave. In the case of a long-term illness or disability, your forfeited sick leave could be restored to you on an as needed basis. Again, this would be full income protection.

The long-term disability insurance that you purchase through your flexible benefits program has a 180-day waiting period before you could receive a portion of your salary.

3. For members of the Employees' Retirement System, forfeited sick leave can be used to extend your service time making it possible to retire earlier.

## **Transferring Leave**

Whenever you change jobs from one state agency to another without a break in service, your leave record will transfer with you. This includes your sick leave, annual leave, and personal leave. Any record of your forfeited leave will also be transferred to your new agency.

## **Voting Time**

The State of Georgia encourages employees to fulfill their civic responsibilities by voting in elections. Generally, employees can find time to vote either before or after work. If you are not able to vote due to your work schedule, your supervisor may grant up to 2 hours of paid time off to vote.

You should request time off from your supervisor as soon as possible before Election Day. Advance notice is required so that the time off can be scheduled at the beginning or end of the work shift, whichever is least disruptive to the work schedule.

# **Work-Related Injuries**

## **Injuries/Disabilities Incurred In the Line of Duty**

This type of leave is available to full-time employees who are injured or disabled by a willful act of violence committed by a person other than a coworker (such as clients, inmates, patients).

Instead of using your sick or annual leave, you can receive this paid leave for up to 180 working days for any single incident.

## **Tuberculosis or Infectious Hepatitis**

This leave is for employees who care for, treat, or diagnose persons with tuberculosis or hepatitis. If you contract either one and when you have used all of your sick and annual leave, you can be granted a leave of absence and paid one-half of your usual pay, or \$150 per month, whichever is less.

## **Workers' Compensation Injuries**

For injuries or diseases covered by Workers' Compensation, if you wish, you can be covered by your sick and annual leave instead of receiving workers' compensation benefits (which are approximately 60% of your pay). But you must elect to do so in writing.

## Doctor's Excuses

There are several occasions when your supervisor may require you to provide a doctor's statement, such as when you request or use family leave or when you return from a period of disability.

Generally, you will not need to provide a doctor's excuse for using less than 17 hours of sick leave. However, if you have established a pattern for excessive or abusive use of your leave, you may be required to provide a doctor's excuse.

Excessive use or abusive use is considered to be a pattern of recurring, short-term use. Your supervisor will use the following indicators to determine whether your use of leave is excessive or abusive.

1. Frequently using less than 17 hours of sick leave within 30-day periods.
2. Requesting sick leave for an absence for which annual leave has been denied.
3. Frequently using sick leave in connection with holidays, weekends, scheduled days off, or pay days.
4. Frequently using sick leave when you're scheduled for undesirable, temporary shifts or assignments, or during periods of peak work loads.
5. Frequently leaving work during the day due to illness.
6. Using peculiar or improbable excuses.

Your supervisor may also require you to provide a doctor's excuse if you have been placed on written notice that you have not followed proper procedures for requesting leave, or for inappropriate attendance or excessive leave.

If you fail to provide an appropriate doctor's statement that meets your agency's approval, your request for sick leave may be denied.

For this reason, you should ensure that you provide an original document (instead of a photo copy) with a legible signature of your doctor (instead of initials or a stamped signature). The doctor's statement should include at a minimum the appropriate medical reasons for your absence, when the illness or disability began and when you can be expected to return to work.

## **Don't Put Your Job in Jeopardy**

Frequent absences, regardless of the reasons, can be grounds for disciplinary action, even dismissal. Excessive or abusive leave use is considered to be a pattern of recurring, short-term use (see Doctor's Excuses for more information).

You should keep in mind that a basic term and condition of your job is appropriate leave use and regular attendance. You will be evaluated on your performance evaluation concerning how well you adhere to agency procedures for requesting and using leave and attendance standards. Not meeting these standards could result in your not receiving a salary increase for the rating period.

Additionally, if you find yourself in any of the following situations, your job could be in jeopardy. Your agency can terminate your employment if you...

1. Are absent 5 consecutive workdays without approval.
2. Fail to return from a leave of absence.
3. Are absent 5 consecutive workdays after all your sick leave and annual leave have been used.

## Weather Emergencies

What happens if severe weather conditions or other emergencies prevent you from getting to work?

Keep in mind that weather conditions or natural disasters (such as snow and ice, floods) can affect some areas while not affecting others. Therefore, if you are directly affected by severe weather conditions or other emergencies, your agency may choose any of the following options:

1. Allow you to make up the time lost provided that you make it up within 15 workdays after the absence.
2. Allow you to charge the absence to accrued compensatory time, personal leave, or annual leave.
3. Place you on leave without pay if neither of the previous options is available.

If your commissioner or department head believes that conditions warrant closing your office or facility, he/she may excuse those employees directly affected by the conditions for whatever time may be necessary. This excused time is without loss of pay or leave.

If you worked additional time because of an office or facility closing, you would be compensated through compensatory time as it applies.

## Leave Donation Program

The State permits each agency to adopt a leave donation program for employees within that agency.

If your agency has a leave donation policy, you would generally be eligible to receive donated leave if you...

1. Have been employed for at least 12 months in a position entitled to earn leave.
2. Have used all of your sick, annual, and forfeited leave.
3. Have been on approved leave without pay for 80 hours.
4. Have met any other criteria established by your agency.

You are eligible to donate leave if you...

1. Have been employed for at least 12 months in a position entitled to earn leave.
2. Are employed in the same agency as the employee needing donated leave.
3. Will have a balance of at least 60 hours of sick leave after donating sick leave.
4. Will have balance of at least 60 hours of annual leave after donating annual leave.

You may donate any amount of annual leave or personal leave.

You can donate up to 120 hours of sick leave each calendar year.

Forfeited leave cannot be donated.

Contact your personnel office about your agency's policy for leave donation.

You may donate any amount of annual leave or personal leave.

You can donate up to 120 hours of sick leave each calendar year.

Forfeited leave cannot be donated.

Contact your departmental personnel office about your department's policy for leave donation.

**For additional information,  
please contact your agency's personnel office.**

Department of Administrative Services  
Human Resources Administration  
July 1, 2012